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PTO/SB/21 (08-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

8

Application Number

10/714,255

Filing Date

November 14, 2003

First Named Inventor

Carlo Ballatore, et al.

Group Art Unit

Unassigned

Examiner Name

Unassigned

Attorney Docket No.

NB 2020.01

### ENCLOSURES (check all that apply)

Fee Transmittal Form

Assignment Papers  
(for an Application)

After Allowance Communication to  
Group

Fee Attached

Drawing(s)

Appeal Communication to Board of  
Appeals and Interferences

Amendment / Reply

Licensing-related Papers

Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)

After Final

Petition

Proprietary Information

Affidavits/declarations

Petition to Convert to a  
Provisional Application

Status Letter

Extension of Time Request

Power of Attorney, Revocation  
Change of Correspondence Address

Other Enclosure(s) (please identify  
below):

Express Abandonment Request

Terminal Disclaimer

5 cited references and Return Postcard

Information Disclosure Statement  
w/PTO/SB/08a & b

Request for Refund

CD, Number of CD(s) \_\_\_\_\_

Certified Copy of Priority Document(s)

Remarks

Response to Missing Parts/  
Incomplete Application

Response to Missing Parts  
under 37 CFR 1.52 or 1.53

### SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm  
or  
Individual Name

Antoinette F. Konski  
Bingham McCutchen LLP  
Three Embarcadero Center, Suite 1800  
San Francisco, California 94111

Signature

Date

Sept. 23, 2004

### CERTIFICATE OF TRANSMISSION

I hereby certify that this paper and all enclosures are being sent first class mail on the date indicated below to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

September 23, 2004

Peggy Nichols

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



PATENT  
Docket No. NB 2020.01

**CERTIFICATE OF MAILING**

I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date listed below.

Dated: September 23, 2004

*Peggy Nichols*  
Peggy Nichols

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application for:

Carlo BALLATORE et al.

Serial No.: 10/714,255

Examiner: Not Yet Assigned

Filing Date: November 14, 2003

Group Art Unit: 1623

For: PEPTIDE DEFORMYLASE  
ACTIVATED PRODRUGS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Supplemental Information Disclosure Statement (“IDS”) are brought to the attention of the Office. The items are listed on the attached forms PTO/SB/08a and PTO/SB/08b.

The items identified in this IDS may or may not be “material” pursuant to 37 CFR § 1.56. The submission thereof by Applicants is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as “prior art” under 35 USC § 102 with respect to this invention unless specifically designated by Applicants as such.

**I. Timing of the Information Disclosure Statement:**

This Information Disclosure Statement is filed:

- With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- Within three months after the filing date of the application (37 C.F.R. § 1.97(b)) or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.

Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-2518 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

This Information Disclosure Statement is filed:

After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and the Commissioner is hereby authorized to charge Deposit Account No. 50-2518 for the fee (\$180) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.

This Information Disclosure Statement is filed:

After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.

The undersigned certifies that:

Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

**II. Copies of the Cited Items:**

- Copies of all of the items listed on the attached forms PTO/SB/08a and PTO/SB/08b are enclosed.
- Copies of only the following items listed on the attached form PTO/SB/08b (Items 26-30) are enclosed. Copies of these items were cited in a foreign examination report in a related case. A copy of the search reports and the cited references not already of record in this application are attached hereto.
- Copies of the following documents listed in PTO/SB/08a (Item Nos. 1-7) and copies of the following documents listed in PTO/SB/08b (Item 1-25) were previously cited by the Office or submitted in Information Disclosure Statements in related application U.S. Serial No. 10/142,089 filed May 9, 2002, and accordingly, copies are not included herewith. See 37 C.F.R. § 1.98(d). The Examiner is requested to make these documents of record.

**III. Concise Explanation of Relevance:**

- A concise explanation of relevance of the items listed on Forms PTO/SB/08 is not given.
- A concise explanation of relevance of [some of] the items listed on Form PTO/SB/08 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).

**IV. Related Applications:**

- Applicants bring to the Office's attention the following related, co-pending application(s): U.S. Serial No. 10/142,089, filed May 9, 2002.

**V. Conclusion:**

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO/SB/08a and PTO/SB/08b with initials or other appropriate marks. The Commissioner is hereby authorized to charge Deposit Account No. 50-2518, billing reference number: 2023896-7008422002 for any additional fees required in connection with the filing of this Information Disclosure Statement.

Respectfully submitted,

Dated: September 23, 2004

By: Antoinette F. Konski  
Antoinette F. Konski  
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IRS Institute for form 1449A-PTC

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

*(use as many sheets as necessary)*

Sheet 1 of 1

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

Examiner's Signature		Date Considered	
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

The collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2.0 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449B-PTO

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1

of

2

Complete if Known

Application Number	10/714,255
Filing Date	November 14, 2003
First Named Inventor	Carlo BALLATORE, et al.
Art Unit	1623
Examiner Name	Unassigned
Attorney Docket Number	NB 2020.01

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher city and/or country where published	T <sup>2</sup>
	1	APFEL, C. et al. "Hydroxamic acid derivatives as potent peptide deformylase inhibitors and antibacterial agents" (2000) <i>J. Med. Chem.</i> 43:2324-2331	
	2	APFEL, C.M. et al. "Peptide deformylase as an antibacterial drug target: Assays for detection of its inhibition in <i>escherichia coli</i> cell homogenates and intact cells" (April, 2001a) <i>Anti. Agents and Chemo.</i> 45(4):1053-1057	
	3	APFEL, C.M. et al. "Peptide deformylase as an antibacterial drug target: Target validation and resistance development" (April, 2001b) <i>Anti. Agents and Chemo.</i> 45(4):1058-1064	
	4	BECKER, A. et al. "Iron center, substrate recognition and mechanism of peptide deformylase" (1998) <i>Nat. Struct. Biol.</i> 5(12):1053-1058	
	5	CHAN, Michael K. et al. "Crystal structure of the <i>escherichia coli</i> peptide deformylase" <i>Biochem.</i> (1997) 36:13904-13909	
	6	CHEN, D.Z. et al. "Actiononin, a naturally occurring antibacterial agent, is a potent deformylase inhibitor" (2000) <i>Biochem.</i> 39(6):1256-1262	
	7	CLEMENTS, J.M. et al. "Antibiotic activity and characterization of BB-3497, a novel peptide deformylase inhibitor" (February, 2001) <i>Anti. Agents and Chemo.</i> 45(2):563-570	
	8	de GROOT, F.M.H. et al. "Synthesis and biological evaluation of 2'-carbamate-linked and 2'-carbonate-linked prodrugs of paclitaxel: selective activation by the tumor-associated protease plasmin" (2000) <i>J. Med. Chem.</i> 43:3093-3102	
	9	DUBOWCHICK, G.M. et al. (1998) Cathepsin B-sensitive dipeptide prodrugs. 1. A model study of structural requirements for efficient release of doxorubicin, <i>Bioorg &amp; Medicinal Chem. Letters</i> 8(23):3341-3346.	
	10	DURAND, D.J. et al. "Peptide deformylase inhibitors of bacterial peptide deformylases" (July 15, 1999) <i>Arch. Biochem. And Biophysics.</i> 367(2): 297-302	
	11	GIGLIONE, C. et al. "Peptide deformylase as a target for new generation, broad spectrum antimicrobial agents" (2000a) <i>Mol. Microbiol.</i> 36(6):1197-1205	
	12	GIGLIONE, C. et al. "Identification of eukaryotic peptide deformylases reveals universality of N-terminal protein processing mechanisms" <i>EMBO J.</i> (2000b) 19(21):5916-5929	
	13	HAO, B. et al. "Structural basis for the design of antibiotics targeting peptide deformylase" (1999) <i>Biochem.</i> 38(15):4712-4719	
	14	HU, Y.J. et al. "H-phosphonate derivatives as novel peptide deformylase inhibitors" (1998) <i>Bioorg Med Chem Letts.</i> 8(18):2479-2482	
	15	HUNTINGTON, K.M. et al. "Synthesis and antibacterial activity of peptide deformylase inhibitors" (2000) <i>Biochem.</i> 39(15):4543-4551	
	16	JAYASEKERA, M.M.K. et al. "Novel nonpeptidic inhibitors of peptide deformylase" (Sept. 15, 2000) <i>Arch. Biochem. &amp; Biophys.</i> 381(2):313-316	
	17	LACKEY, D.B. et al. (2001) Enzyme - catalyzed therapeutic agent (ECTA) design: activation of the antitumor ECTA compound NB 1011 by thymidylate synthase, <i>Biochem. Pharmacology</i> 61:179-189	
	18	MEINNEL, T. "Vers une conception rationnelle de nouveaux agents antibactériens" (1999) <i>Pathol. Biol.</i> 47(8):780-783	

Examiner's Signature		Date Considered	
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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<p>Substitute for form 1449B-PTO</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p><i>(use as many sheets as necessary)</i></p>				<i>Complete if Known</i>	
				Application Number	10/714,255
				Filing Date	November 14, 2003
				First Named Inventor	Carlo BALLATORE, et al.
				Art Unit	1623
				Examiner Name	Unassigned
Sheet	2	of	2	Attorney Docket Number	NB 2020.01

## NON-PATENT LITERATURE DOCUMENTS

Examiner's Signature		Date Considered	
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